

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/8/2022

KAMAH NYANWLEH, on behalf of herself and others similarly situated,

Plaintiff,

v.

PRIME STAFFING LLC, CITY OF NEW YORK, NEW YORK CITY HEALTH AND HOSPITALS CORPORATION, LINCOLN HOSPITAL AUXILIARY, INC., JACOBI MEDICAL CENTER AUXILIARY INC., NEW YORK-PRESBYTERIAN HEALTHCARE SYSTEM, INC., and DOES NOS. 1-10,

Defendants.

Case No.: 1:21-cv-06357(AT)

**ORDER**

On March 28, 2022, the parties in this Fair Labor Standards Act case filed a joint application for approval of their settlement agreement, consisting of a detailed memorandum explaining the agreement, and attaching, among other things, the proposed settlement agreement itself, for approval by the Court, as required by *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

This Court has considered the following factors: (i) the parties' position as to the proper valuation of the plaintiff's claims; (ii) the risks and costs of continuing to litigate; (iii) the fact that plaintiff is represented by counsel experienced in employment law; (iv) the fact that the release language in the agreement is limited to claims asserted in this action and FLSA or NYLL wage and hour claims; (v) the fact that the non-disparagement clause is mutual and has an exception for truthful statements made by the parties regarding their experiences litigating this

matter or enforcing their rights or remedies under the settlement agreement; and (vi) the fact that the agreement does not contain a confidentiality clause.

The Court finds that the settlement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion. Moreover, the Court finds the attorneys' fees, which represent one-third of the total recovery amount, to be fair and reasonable under the circumstances.

Accordingly, the parties' settlement agreement is hereby APPROVED.

The Clerk is instructed to close this case.

SO ORDERED:



Date: June 8, 2022

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE